

Committee Substitute for House Bill No. 169

An act relating to equine activities; providing a short title; providing legislative intent; creating s. 773.06, F.S.; defining the term “equine”; requiring a child younger than a specified age to wear a helmet when riding an equine in certain locations; providing requirements for helmets; requiring a person renting or leasing an equine for riding by a child younger than a specified age to provide a helmet if the child does not have a helmet; prohibiting a parent or guardian of a child younger than a specified age from authorizing or permitting the child to engage in certain conduct; providing a penalty; providing exceptions; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. This act may be cited as “Nicole’s Law.”

Section 2. It is the intent of the Legislature to further promote the safety, health, and welfare of children younger than 16 years of age who engage in equestrian activities and recreation in this state by enacting safety standards to minimize the number of serious or fatal head injuries sustained by children during equestrian activities and recreation.

Section 3. Section 773.06, Florida Statutes, is created to read:

773.06 Helmet requirements; penalties.—

(1) As used in this section, the term “equine” has the same meaning as provided in s. 773.01.

(2) A child who is younger than 16 years of age must wear a helmet that meets the current applicable standards of the American Society of Testing and Materials for protective headgear used in horseback riding and that is properly fitted and fastened securely upon the child’s head by a strap when the child is riding an equine upon:

(a) A public roadway or right-of-way;

(b) A public equestrian trail, public recreational trail, public park or preserve, or public school site; or

(c) Any other publicly owned or controlled property.

(3) A trainer, instructor, supervisor, or other person may not knowingly rent or lease an equine to be ridden by a child younger than 16 years of age unless the child possesses a helmet meeting the requirements of this section or the trainer, instructor, supervisor, or other person renting or leasing the equine supplies the child with a helmet meeting the standards of this section.

(4) A parent or guardian of a child younger than 16 years of age may not authorize or knowingly permit the child to violate this section.

(5) A person who violates subsection (3) or subsection (4) commits a noncriminal violation, punishable as provided in s. 775.083.

(6) This section does not apply to a child younger than 16 years of age who is riding an equine when the child is:

(a) Practicing for, riding to or from, or competing or performing in shows or events, including, but not limited to, rodeos and parades, where helmets are not historically a part of the show or event;

(b) Riding on privately owned land even if the land is occasionally separated by a public road or right-of-way that must be crossed; or

(c) Engaged in an agricultural practice or pursuit.

Section 4. This act shall take effect October 1, 2009.

Approved by the Governor June 1, 2009.

Filed in Office Secretary of State June 1, 2009.